

From: Ed Howland
To: Microsoft ATR
Date: 1/23/02 3:23am
Subject: Microsoft Settlement

Dear Sirs,

I'd like to voice my opinion on the proposed Microsoft Antitrust settlement as allowed under the Tunney Act.

My main objection to the settlement is that there doesn't seem to be any penalty to Microsoft. As a remedy, it seems worse than the original harm, especially in certain areas dealing with Independent Software Vendors (ISVs) I have been a software engineer with 18 years writing software for Unix and Microsoft OSes. It has been my experience that when using Microsoft's products from version to version, new features for ISV developers are seemingly obfuscated and you need to pay more money to get the fix or documentation. I can relate many horror stories about missed project dates due in main to some undocumented 'feature' (read: bug) in a new Windows API.

Because of the narrow wording of the agreement with regard to APIs in particular, it is pretty easy for Microsoft to publically say they are in compliance with the agreement. However, with just a renamed (not a new release) version they can return to their anti-competitive ways. This, in my opinion, does little to reduce my barrier to entry. Indeed, after this goes into effect, I predict Microsoft will release a new application that competes with mine and works much better with XP than mine does.

Section III.H.3 and Section III.D fail to help ISVs like me to develop and deliver competing middleware products because the required technical documentation might not be delivered on time to be included in the next release of the OS. Again, Microsoft's own middleware developers have the advantage of me with advance knowledge and if I'm not very very very good, I will miss the boat and likely the small market window as well.

Because of the hardships placed on me as an independent developer, I have switched completely from Microsoft products to Java and the Linux OS platform. I might like to do both in the future, if as Mr. Ashcroft states, these barriers to entry will be removed by the settlement. I actually think they will be higher in the end, because I might be led down the primrose path to find that I have to work under even worse conditions to perform the same level I used to.

If that were not bad enough, Microsoft seems to be attacking my new source of income by going after Open Source applications and operating systems. This is my biggest grievance for the future. As Dan Kegel says in his paper on the proposed settlement,

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

<<http://www.kegel.com/remedy/remedy2.html#abe>> (1)

There are many other points of contention I find in the PFJ, but these are the most relevant to me and my source of income. I think that the point of an anti-trust settlement should be to redress damages done to the plaintiffs not to reward the defendant. This settlement seems to say Microsoft will not be allowed to harm me in the future, but clearly I beleive I will be worse off no matter which way I turn. Windows application development will be next to impossible under the restrictions, and Open Source work will be prohibited. It seems my only choice as a software engineer in the coming years will be to submit my resume to Microsoft and hope they hire me, or to flip burgers.

Thank you for taking the time to read my letter and hearing my concerns over this matter.

Sincerely,
Ed Howland
St. Louis, Mo

(1) <http://www.kegel.com/remedy/remedy2.html>

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